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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,684

Applicant(s)

GOTANDA, YOSHIHARU

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 filed on 7/21/2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 2-7 and 9-19 recite the limitation "**The electronic camera** as defined in claim ..." in line 1. There is insufficient antecedent basis for this limitation in the claim. It should be changed to --The electronic **device** as defined in claim --

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Arai et al. U.S. Patent 6,775,361.

Referring to claim 1, the Arai reference discloses in Figures 10 and 17-18, an electronic device comprising: a mode setting device (mode selection switch 431 as shown in Figure 10) that sets a first mode (telephone mode, See Col. 13, lines 1-8) for a function which is unrelated to camera functions (e.g., image sensing, AF, Zoom, etc.) and a second mode

(camera mode, See Col. 13, lines 9-15) which is related camera functions; and a controlling device (microcomputer 417) that prohibits the electronic device from performing camera functions when said first mode is set by said mode setting device (e.g., turn off the video camera unit, see Col. 8, lines 25-27 and disable camera functions, see Figure 17, step 605).

Referring to claim 2, the Arai reference discloses wherein said first mode (telephone mode) is for a portable phone function.

Referring to claim 3, the Arai reference discloses wherein said controlling device (microcomputer) does not accept an input from a switch of the camera (e.g., switch for changing the zooming function of camera as shown in Figure 18) when said first mode (telephone mode) is set by said mode setting device (431), said switch (for zooming or focusing) being provided to a body of the camera for the functions of the camera (e.g., the switch only performs telephone number selection functions in the telephone mode).

Referring to claim 4, the Arai reference discloses wherein said mode setting device (switch 431) chooses between said first mode (telephone mode) and a second mode (camera mode) for the functions of the camera (e.g., image sensing, AF, Zoom, etc.).

Referring to claim 17, the Arai reference discloses wherein the mode setting device is physically actuated directly by a user (the switch 431, See Col. 12, lines 65-67).

Referring to claim 18, the Arai reference discloses wherein the mode setting device does not set the first mode based upon a detection of a personal computer cable (e.g., the first mode is telephone mode).

Referring to claim 19, the Arai reference discloses wherein the first mode (telephone mode) permits portable operation (voice data transmission operation).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. U.S. Patent 6,775,361 in view of Tanaka et al. U.S. Publication 2002/0191096.

Referring to claim 5, the Arai reference discloses all subject matter as discussed in respected claims 4, except that the Arai reference does not explicitly states the camera mode which includes said recording mode and the play mode; and the electronic camera further comprises another mode setting device that chooses between said recording mode and the play mode when the camera mode is set.

The Tanaka reference teaches in Figures 2, 7 and 17, the second mode is a camera mode which includes said recording mode (photograph mode) and the play mode (reproduction mode); and the electronic camera further comprises another mode setting device (switch 14) that chooses between said recording mode and the play mode when the camera mode is set (see pages 3-4, [0059]). The Tanaka reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having another mode setting device that chooses between said recording mode and the play mode when the camera is set so that providing more flexible options to user for quickly choosing recording or review

desired images. For that reason, it would have been obvious to the one of ordinary skill in the art at the time to modify the electronic device of Arai ('361) for providing another mode setting device that chooses between said recording mode and the play mode when the camera mode is set as taught by Tanaka ('096).

7. Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. U.S. Patent 6,775,361 in view of Tanaka et al. U.S. Publication 2002/0191096 and Kiyokawa U.S. Patent 6,204,877.

Referring to claim 6, the Aria and Tanaka references disclose all subject matter as discussed in respected claims 1 and 4, and the Tanaka reference discloses mode setting device including main slide switch (11, see page 2, [0039]) for controlling OFF/ON mode for turning off/on power of the camera and SPC switch for setting first mode (PC mode) or second mode (camera function mode including recording mode and play mode that set by a slide switch 14), except that the Aria reference does not explicitly show the mode setting device is a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction.

The Kiyokawa reference discloses in Figures 3-4, an electronic camera has a mode-setting device (47, see Col. 6, lines 60-64) that is a slide switch that can be locked to set three modes (telephone mode, camera mode and remote mode); and the camera mode which includes said recording mode and the play mode. The Kiyokawa reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having a slide switch which can set more than two modes so that the mode setting

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device can simply and quickly perform the more functions by one switch. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the electronic device of Arai ('361) for providing a single slide switch for setting those three modes (first mode, second mode and OFF mode) by sliding in difference direction as taught by Kiyokawa ('877).

Referring to claim 7, the Arai, Tanaka and Kiyokawa references disclose all subject matter as discussed with respected same comment to claims 1, 4, 5 and 6.

8. Claims 8-10, 12, 16 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. U.S. Patent 6,775,361 in view of Fumio et al. U.S. Patent 6,515,705.

Referring to claim 8, the Arai references discloses all subject matter as discussed with respected to claim 1, and the Arai reference disclose the electronic device including a taking lens (401) and image sensing element (409) as shown in Figure 9. However, the Arai reference does not explicitly show a lens cover for the taking lens (401), and the controlling device controls the lens cover driving device to close lens cover when camera is not using for perform the camera functions (in the telephone mode).

The Fumio reference discloses in Figures 4-5, the camera including an automatic lens cover (8, see Col. 4, lines 54-59); and a lens cover driving unit for driving the lens cover to close while the camera if off or the image pickup unit (4) is unused position or over a 90° range (See Col. 1, lines 35-40, Col. 5, lines 1-5 and 59-67). The Fumio reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system having an automatic lens cover for automatically closing to cover the taking lens

when the camera is not in use so that avoiding any scratches on the surface of the camera lens. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the electronic device of Arai ('361) for providing a lens cover for the taking lens (301), and the controlling device controls the lens cover driving device to close lens cover when first mode is set (camera is not using for perform the camera functions) as taught by Fumio ('705)

Referring to claim 9, the Arai and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 2 and 8.

Referring to claim 10, the Arai and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 3 and 8.

Referring to claim 12, the Arai and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 4 and 8.

Referring to claim 16, the Arai and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1 and 8, and the Fumio reference discloses wherein said taking lens is collapsed (until it is in the unused position) before said lens cover is closed (See Col. 5, lines 62-67).

Referring to claim 20, the Arai and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1 and 8.

Referring to claim 21, the Arai and Fumio references disclose all subject matter as discussed with respected to claims 1 and 8, and the Arai reference discloses wherein the first mode of operation (telephone mode) provides functionality associated with non-image data (e.g., voice data).

Referring to claim 22, the Arai and Fumio references disclose all subject matter as discussed with respected to same comment as with claims 1, 8 and 19.

Referring to claim 23, the Arai reference discloses wherein the first mode of operation (telephone mode) functions without being operable coupled to a personal computer.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. U.S. Patent 6,775,361 in view of Fumio et al. U.S. Patent 6,515,705 and Oeda et al. U.S. Publication 2001/0012071.

Referring to claim 11, the Arai and Fumio references disclose all subject matter as discussed with respected to claims 1 and 8, except the references do not explicitly show the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set.

The Oeda reference discloses in Figure 3, the electronic camera has a recording mode (image pick up mode) for recording image data in a storage medium (flash memory 26 in Figure 4) in the camera, and a play mode for playing an image on a monitor (LCD 29) according to the image data stored in the storage medium in the camera; and controlling device (system controller 15) controls the lens cover switch to open only in recording mode, and does not open the lens cover in the play mode. The Oeda reference is evidence the one of ordinary skill in the art at the time to see more advantage for the electronic camera system open the lens cover when camera using image pick up unit for photographing and does not move the lens cover when camera only using for reproduction to display image data stored in memory, so that lens cover can protect the taking lens effectively. For that reason, it would

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have been obvious to the one of ordinary skill in the art to modify the electronic device of Arai ('361) for providing the lens cover is opened when the recording mode (image pick up mode) is set, and does not move the lens cover when the play mode (reproduction mode) is set as taught by Oeda ('071).

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. U.S. Patent 6,775,361 in view of Fumio et al. U.S. Patent 6,515,705 and Tanaka et al. U.S. Publication 2002/0191096.

Referring to claim 13, the Arai, Fumio and Tanaka references disclose all subject matter as discussed with respected same comment to claims 1, 5 and 8.

11. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. U.S. Patent 6,775,361 in view of Fumio et al. U.S. Patent 6,515,705, Tanaka et al. U.S. Publication 2002/0191096 and Kiyokawa U.S. Patent 6,204,877.

Referring to claim 14, the Arai, Fumio, Tanaka and Kiyokawa references disclose all subject matter as discussed with respected to same comment as with claims 1, 6 and 8.

Referring to claim 15, the Arai, Fumio, Tanaka and Kiyokawa references disclose all subject matter as discussed with respected to same comment as with claims 1, 7 and 8.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Umezawa et al. U.S. 5,491,507 discloses in Figure 1, a videophone comprising a function key 15a for changing-over the visual telephone function and vocal telephone function.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Examiner
Art Unit 2615

August 15, 2005